

REMARKS

Claims 1 through 50 are pending in this application.

It is first noted that in response to the requirement for submission of corrected formal drawing figures as set forth in Paper No. 6, corrected formal Figures 1A through 8I (11 replacement sheets) which are in full compliance with 37 C.F.R. §1.84 were filed in the U.S. Patent & Trademark Office on 13 May 2004. Entry of the corrected formal Figures 1A through 8I and confirmation of the entry in writing in the next Office action are respectfully requested.

In Paper No. 6, the Examiner required a restriction between:

- Group I, Claims 1 through 12 and 35 through 41, drawn to a joint connection between a rod and a plate, classified in class 403, subclass 263;
- Group II, Claims 13 through 29 and 42 through 50, drawn to a pyrotechnic shearing device, classified in class 83, subclass 639.4; and
- Group III, Claims 30 through 34, drawn to an explosive actuated valve, classified in class 137, subclass 68.13.

Applicant respectfully traverses the requirement for restriction imposed in the Office action, but provisionally elects with traverse Group II. As indicated by the Examiner, claims 13 through 29 and 42 through 50 are within Group II.

Applicant objects to and traverses the election requirement on grounds that the subject matter of the three groups overlap. In addition, the mandatory fields of search for the three embodiments are coextensive. It appears that the requirement for restriction is being imposed merely for administrative convenience and such a basis for imposition of such a requirement has been prohibited in previous decisions of the Commissioner. Specifically, § 806.03 of the *Manual of Patent Examining Procedure*, clearly states that:

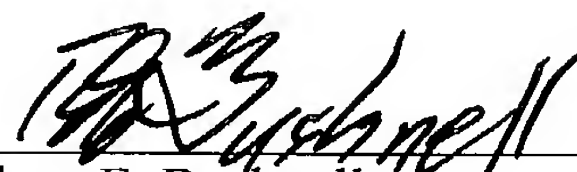
“[W]here the claims of an application define the same essential characteristics of a *single* disclosed embodiment of an invention, restriction therebetween should never be required. This is because the claims are but different definitions of the same disclosed subject matter, varying in breadth or scope of definition.” (*MPEP*, page 800-39, August 2001)

The Examiner asserts that the application discloses three distinct inventions, related “as subcombinations disclosed as usable together in a single combination.” The Examiner has however, not identified the three subcombinations or explain where these three subcombinations are disclosed. In fact, the application discloses a single embodiment illustrated in Figures 1A-8I all of which are different views of the same embodiment. In short, Paper No. 6 is incomplete and fails to comply with the requirement for completeness mandated under 37 C.F.R. § 1.104(a)(b) and (c). Clarification in subsequent correspondence is respectfully requested, or, alternatively, withdrawal of the requirement is urged.

No fee is incurred by this Response.

In view of the above, it is requested that the requirement for restriction be withdrawn. It is further submitted that the application is in condition for examination on the merits, and early allowance is requested.

Respectfully submitted,



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Folio: P56315
Date: 5/19/04
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